



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

Via Electronic Mail To: info@caolion.com

Docket No. F-02-2020-5020

Eun Hee Joo
Caolion Cosmetics America Inc.
197 State Route 18, Suite 203N
East Brunswick, NJ 08816-1405

Re: NOTICE OF REFUSAL OF ADMISSION

Import of Unregistered Pesticides, Entry No. ATE-02844130

Dear Ms. Joo:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or the Act), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

Product Names: V Shield Sterilization Patch
V Shield Sterilization Spray
V Shield Air Sanitizer Plus Pouch

Importer: Caolion Cosmetics America Inc.

Entry Number: ATE-02844130

Bill Number: OOLU2637216060

Arrival Date: 05/01/20

Entry File Date: 05/01/20

Port of Entry: 4601 – Newark/New York

Units: Sterilization patch – 3000 pieces, Sterilization spray – 3000 pieces, Sanitizer Pouch – 3000 pieces

You were previously notified via a Notice of Detention and Hearing, dated May 5, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. The May 5, 2020 Notice further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the products are in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on May 22, 2020, your customs broker sent a statement from you via email to Michael Brannick of my staff in which you stated your company was not aware of the regulation of antimicrobials by EPA and the shipment was intended as commercial samples and are not meant to be sold. Your statement also said your company has begun the registration process for these products and requested that the items be allowed to remain in the U.S. as commercial samples. Unfortunately, the products are not registered under FIFRA § 3(a), 7 U.S.C. §

136a(a) and the inclusion of the EPA logo on the products means they are misbranded as defined by FIFRA § 2(q), 7 U.S.C. § 136(q); therefore, their distribution into the U.S. was in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A) and FIFRA § 12(a)(1)(E), 7 U.S.C. § 136j (a)(1)(E), and they must be refused admission.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for responding to this order, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of unregistered products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or brannick.michael@epa.gov.

Sincerely,

for Dore LaPosta, Director
Enforcement & Compliance Assurance Division

cc: Justin Chou, CNR International (justinchou@cnrintl.com)
Sally Lee, CNR International (sallylee@cnrintl.com)
Terrance Brennan, U.S. Customs and Border Protection (terrance.m.brennan@cbp.dhs.gov)